

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHRISTOPHER C. BURNS,

Plaintiff,

v.

WISCONSIN DEPARTMENT OF CORRECTIONS,
SAUK COUNTY JAIL, SAUK COUNTY JAIL
ADMINISTRATOR, SAUK COUNTY
JAIL - SHERIFF, CAPT. HAFEMAN, LTD. OLSEN
and Sherriff RANDY STAMMAN,

Defendants.

ORDER

09-cv-540-bbc

In an order entered in this case on September 2, 2009, I told plaintiff that before I could consider his request to proceed in forma pauperis he would have to submit a trust fund account statement covering the six-month period preceding the filing of his complaint so that I could assess an initial partial payment of the \$350 fee for filing this case. Plaintiff has submitted the requested statement. From the statement, I have calculated plaintiff's initial partial payment to be \$5.62.

Plaintiff is reminded that even though he has now been released to the Foster Halfway House in Madison, Wisconsin, he is still subject to the 1996 Prison Litigation Reform Act.

Witzke v. Femal, 376 F.3d 744 (2004)(halfway house comes within definition of “any jail, prison, or other correctional facility” for purpose of applying PLRA’s exhaustion requirement). This means, that once the court has received plaintiff’s initial partial payment, his complaint will be taken under advisement for screening pursuant to 28 U.S.C. § 1915(e)(2) to determine whether the case must be dismissed either because the complaint is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief. Plaintiff should be aware that he is obligated to pay the remainder of the \$350 filing fee even if this court determines that the case must be dismissed.

ORDER

IT IS ORDERED that plaintiff is assessed \$5.62 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$5.62 on or before October 14, 2009. If, by October 14, 2009, plaintiff fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court

is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 22nd day of September, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge